

STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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MICHAEL P. STUPINSKI
First Selectman

PETER J. CHARTER
Deputy First Selectman

LAURIE E. BURSTEIN
ANN L. HARFORD
A. LEO MILLER, JR.
JAMES M. PRICHARD
JOHN W. TURNER

BOARD OF SELECTMEN
Monday, January 5, 2009
Town Hall, Meeting Hall

SELECTMEN PRESENT: Laurie Burstein, Peter Charter, Ann Harford, A. Leo Miller, James Prichard, Michael Stupinski and John Turner

OTHERS PRESENT: Finance Officer: Nicholas J. Di Corleto; DPW Director: P. Michaud; Town Planner: Robert Phillips; Director of Emergency Management: Don Davis; Residents: Ken Boynton, Ken Braga [also member of IWA], Ron Brown, Jim Gage and Dave Hurley [also members of Conservation Commission], William Harford, Arlo Hoffman [also member of PZC]; Rudolf Luginbuhl, Eric Santini, Kevin Santini, Eric Santini, Jr., Journal Inquirer Reporter, Connie Yan; Reminder News Reporter, Steve Smith

MINUTES

PUBLIC HEARING: Consider New Ordinance Regarding Maintenance of Storm Water Drainage Detention Basins and Similar Structures

First Selectman Stupinski opened the public hearing at 7:35 p.m. and read the **attached** legal notice.

Comments:

Ken Boynton maintains that detention basins should be part of the Town's drainage system. Home buyers pay for the bond in the cost of the home. Owners of new subdivisions pay taxes in town and taxes cover maintenance of resident's drainage systems, therefore, this expense should be borne by the community. Developers pay large costs to install the basins. That cost is already being passed along to homeowners. If the Board of Selectmen (BOS) does approve the ordinance, payment should be due at the end of the project.

Rudy Luginbuhl spoke on behalf of his son, David, (DRL Builders) who was not in attendance. David Luginbuhl's opinion is that this ordinance only serves to add to the price for home buyers. The detention basins should be no different than repairing the road and the tax burden should be shared by all and maintained by the Department of Public Works (DPW).

Dave Hurley noted that some states have lower taxes and attract businesses because they require that the parties bringing on the expense pay for it through development fees. It is widely practiced to have the initial bond set up at the beginning of the project. Mr. Hurley also said that the DPW may not always have the time, resources and money to provide maintenance services for the detention basins due to a tough year. Most of the environmental regulations imply costs are consistent with the work being contracted out and Mr. Hurley suggests the ordinance be worded as if the work were to be contracted out. Mr. Hurley also suggests that the phrase

"treatment systems" replace detention basin. Mr. Hurley also asked if the ordinance is consistent with the Town's storm water management plan.

Mr. Stupinski responded that the treatment system terms are covered in the wording of the ordinance and that the ordinance is consistent with the Town's storm water management plan.

Kevin Santini commented that established costs should be part of the ordinance. He recommends that the ordinance be tabled until people have a chance to discuss the issue and that it be presented again next month.

Eric Santini stated that the ordinance does not take into consideration that in some cases the new basins reduce the amount of work for the DPW and he added that each situation should be evaluated on circumstances. He referenced situations where the DPW and the developers have worked together to resolve problems as they occurred. Mr. Santini said the ordinance does not provide an incentive to do a good job.

Mr. Stupinski clarified that it is not a town imposed requirement to have a detention basin; it is a requirement of the Storm Water Act and it should be considered as part of the price of the development. Although there are presently detention basins being maintained by DPW, the requirement for these structures due to the storm water regulations will result in a significant increase in their number. It will start to take a larger share of resources from the DPW to maintain the increase in the number of basins.

Kevin Santini asked what brought this issue to the forefront at this time. He suggests that the ordinance is vague and needs further discussion.

Dave Hurley commented that it is anticipated that each basin will require attention twice a year for mowing and every third year or second year, for cleaning. The cost is based on manpower which includes the hourly rate plus benefits.

Ken Boynton added that the calculation for the detention basin on Carriage Run was not based on mowing but was made just on cleaning out sedimentation. Not until as of late, was it mowed. On Windsorville Road, the homeowner mows it. It is a dry basin, not a wet basin, and the amount of maintenance needed is questionable. He also expressed concern that the ordinance does not include any accountability on the part of the DPW. Mr. Boynton said that this proposal amounts to an impact fee. Older developments do not have detention basins and the DPW maintains those drainage systems.

Dave Hurley stated that he has a client that recently went through an Environmental Protection Agency (EPA) inspection. The EPA inspected zoning ordinances, the MS4 plan, and the management plan. The EPA inspector checked paperwork to ensure work was being done, and reviewed the public pollution prevention program. Mr. Hurley said that if any violations are found, the EPA can impose a fine of \$25,000 per day, per violation. The regulations are imposed by the EPA and the State of Connecticut, and the town has to change ordinances and management plans to ensure that they are in compliance with the EPA.

Mr. Charter asked if after the fund is established, will there be any cost to taxpayers. Mr. Stupinski responded that the interest from the fund will pay for the maintenance and there is no burden to the taxpayers.

Mr. Miller agreed that the ordinance needs to be discussed further and that more ideas should be entertained.

Eric Santini said he doesn't see the legality in the proposed ordinance. He stressed that the basins should be considered part of the infrastructure. The sediment that is going to end up there comes from the roads. There might be cases where, through the design process, there is an extra burden to the town. In these cases, it would be appropriate to charge a fee, but each case should be evaluated by itself. In some cases, some basins will make it easier for the Town and even solve problems that were there in the past. Mr. Santini also recommends that the BOS table the issue and have a workshop and invite participants.

Ann Harford asked who will determine when a detention basin is needed. Mr. Stupinski responded that it would be the engineer for the developer. Mr. Phillips noted that it depends on many site specific issues and that the maintenance of the detention basin should be considered during the design process.

Pete Michaud said that it is important to consider the best interest of the Town. He also noted that the cost of maintaining the detention basins includes the Town's liability insurance, as well as labor and equipment.

Arlo Hoffman asked if there is going to be an effort to collect on already installed detention basins. Mr. Stupinski responded that the ordinance is only for future development. Mr. Hoffman also asked if there has been discussion regarding a vehicle to track costs specifically by detention basin. Mr. Stupinski noted that the money will go into a separate fund and each basin will have a separate line item. Work will be charged against a specific line item as the work is done.

Pete Michaud clarified that the costs will be tracked and will include labor for clean up and equipment costs and will be billed out and given to Finance. Every unit will have a designated dollar amount.

Kevin Santini said that this is the detail he is looking for, but this is not how the ordinance is written. There has to be an audit procedure where if the expense is substantially lower than what was anticipated, that there is some sort of retribution.

Mr. Stupinski said that there are two issues to consider: first, the number calculated will be based on the work that will be done and the cost associated; secondly, there is a provision for inflation and the consumer price index in the formula.

Ken Boynton said this is turning into an impact fee and the town should be responsible for maintaining the detention basins, and it should be no different than any other subdivision.

Mr. Stupinski stated that it is different in that the other subdivisions feed into the established drainage structure. The detention basins are not in the Town's infrastructure, and it is part of the cost of the development, just as if you had to blast a rock out of a ridge.

Eric Santini thanked the BOS for listening to all opinions.

Hearing no further comments, Mr. Stupinski closed the Public Hearing at 8:37 p.m.

BOARD OF SELECTMEN:

I. CALL TO ORDER:

First Selectman Stupinski called the meeting of the BOS to order at 8:42 p.m.

II. CITIZENS' FORUM – no one came forward.

III. APPROVAL OF MINUTES:

A. December 15, 2008 Special Town Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 15, 2008 SPECIAL TOWN MEETING MINUTES.

B. December 15, 2008 Board of Selectmen Meeting:

MOVED (CHARTER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 15, 2008 BOARD OF SELECTMEN MEETING MINUTES.

IV. UNFINISHED BUSINESS:

A. BOS Five-Year Goals:

Mr. Stupinski asked the BOS for any additions, deletions or comments regarding the Five-Year Goals. Discussion was held and the following will be added to the goals and the new document will be presented at the February 2, 2009 BOS meeting:

- i. Continue to add to open space by adding funding to the Open Space Fund each year.
- ii. Continuously improve Crystal Lake water quality.
- iii. Develop a master plan for Route 83 corridor.

B. Director of Public Works Position:

Mr. Stupinski made the following statement regarding filling the position of the Public Works Director:

The task at hand is to provide a replacement for the Director of Public Works, who is retiring. The task is not to restructure the Public Works Department, nor is it to replace the current Town Engineer.

I recognize that the time may come when a restructuring is in order. That may result in staff restructuring which would produce a combined position of Public Works Director / Town Engineer, but that will very likely result in a reorganization of the Public Works Department to decentralize it. We are not at that point now. I have decided that the best approach is to hire a Public Works Director with engineering credentials, while leaving the current Town Engineer position as it is. This allows flexibility for reasoned future change if, and when, circumstances dictate.

When the new Director has become fully familiar with the town and his staff, plans for any future organizational changes, and identification of what would trigger them, can be developed. The Director would be qualified to start to assume some engineering functions as part of such changes. The first thing that must be accomplished is a thoughtful, successful transition in leadership.

Mr. Stupinski reviewed the selection process and the timeline for filling this position.

Mr. Miller initiated discussion and questioned Mr. Phillips as to the duties performed by the Town Engineer at coordination meetings. Mr. Stupinski stated that such discussion was not about the Public Works Director position, which was the subject of the agenda item, and would be more appropriate in future considerations. Mr. Stupinski added that the process for filling this position will begin immediately.

V. NEW BUSINESS:

A. Tax Refunds/Abatements:

MOVED (CHARTER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$1,918.93, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENTS STATEMENT FOR JANUARY, 2009. (ATTACHED)

B. Reschedule Town Meeting of January 5, 2009:

MOVED (CHARTER), SECONDED (TURNER) AND PASSED UNANIMOUSLY TO RESCHEDULE THE TOWN MEETING THAT WAS SET FOR JANUARY 5, 2009, TO CONSIDER AN ADDITIONAL APPROPRIATION OF \$67,000 FOR THE REMOVAL OF MILFOIL FROM CRYSTAL LAKE AND ALSO TO CONSIDER ACCEPTING A STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IN AN AMOUNT UP TO \$50,000 TO COVER SOME OF THE COSTS OF THIS PROJECT, TO MONDAY, FEBRUARY 2, 2009 AT 7:15 P.M. AT THE ELLINGTON TOWN HALL, PENDING BOARD OF FINANCE APPROVAL.

C. Review New Proposed Ordinance/Send to Town Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED (CHARTER, HARFORD, BURSTEIN AND PRICHARD VOTED AYE) TO RECOMMEND A NEW ORDINANCE REGARDING THE MAINTENANCE OF STORM WATER DRAINAGE DETENTION BASINS, AS SUBMITTED IN THE SECOND DRAFT; AND FURTHER, TO ADD THIS PROPOSED NEW ORDINANCE TO THE SPECIAL TOWN MEETING SCHEDULED FOR FEBRUARY 2, 2009 FOR APPROVAL. (MILLER VOTED – NAY; TURNER – ABSTAINED)

D. Resolution for Grant Application – Housing for Economic Growth Program:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

BE IT RESOLVED, THAT THE TOWN OF ELLINGTON HEREBY AUTHORIZES SUBMISSION OF A GRANT APPLICATION UNDER THE STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT HOUSING FOR ECONOMIC GROWTH PROGRAM REFERENCED IN SECTION 8-13 (m-x) OF THE CGS.

BE IT FURTHER RESOLVED, THAT THE FIRST SELECTMAN, MICHAEL P. STUPINSKI, IS AUTHORIZED TO SIGN THE GRANT APPLICATION AND ADMINISTER THE GRANT.

VI. ADMINISTRATIVE REPORTS: so noted

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee:

1. Resignations:

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF DAVID SKOCZULEK FROM THE NORTH CENTRAL DISTRICT HEALTH DEPARTMENT BOARD OF DIRECTORS.

2. Appointments:

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT CHRISTOPHER TODD AND NOAH FORREST AS ALTERNATE MEMBERS OF THE ECONOMIC DEVELOPMENT COMMISSION FOR TWO-YEAR TERMS TO JANUARY 31, 2011.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT DON DAVIS AS EMERGENCY MANAGEMENT DIRECTOR/SARA CHAIRMAN FOR A TWO-YEAR TERM TO JANUARY 31, 2011.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT JOHN STREIBER AND FREDERICA WEEKS AS DEPUTY EMERGENCY MANAGEMENT DIRECTORS FOR TWO-YEAR TERMS TO JANUARY 31, 2011.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT ELIZABETH FELDMAN TO THE ETHICS COMMISSION FOR A FOUR-YEAR TERM TO JANUARY 31, 2013.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT JEAN BURNS AND DONALD McCONNELL TO THE INLAND/WETLANDS AGENCY FOR FOUR-YEAR TERMS TO JANUARY 31, 2013.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT RON BROWN AS A REGULAR MEMBER TO THE INLAND/WETLANDS AGENCY FOR A FOUR-YEAR TERM TO JANUARY 31, 2013, CHANGING HIS STATUS FROM ALTERNATE MEMBER.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO REAPPOINT ROBERT McMULLEN AS AN ALTERNATE MEMBER TO THE INLAND/WETLANDS AGENCY FOR A TWO-YEAR TERM TO JANUARY 31, 2011.

B. Other:

Emergency Services Committee:

Mr. Turner reported that there is a meeting scheduled for the end of January. The committee will produce an annual report of last year's activities. The department heads will also submit

goals which will be included in the report. Mr. Turner plans to submit the report to the BOS and the Board of Finance at the next meeting.

VIII. SELECTMEN LIAISON REPORTS

Mr. Turner pointed out that the Fire Department has issued a December report and a six-month report, which will be incorporated into the annual report. He noted that December was quiet, but activity has picked up in early 2009.

IX. FIRST SELECTMAN'S REPORT - none

X. CORRESPONDENCE - none

XI. EXECUTIVE SESSION: For the purpose of discussing land acquisition.

In addition to the BOS, Robert Phillips, Jim Gage and Dave Hurley were also present for Executive Session.

MOVED (HARFORD), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION AT 10:15 P.M.

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO COME OUT OF EXECUTIVE SESSION AT 10:47 P.M.

XII. ADJOURNMENT:

MOVED (HARFORD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 10:48 P.M.

Submitted by  Approved by: 

LouAnn Cannella

Michael P. Stupinski



MICHAEL P. STUPINSKI
First Selectman

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JAMES M. PRICHARD
JOHN W. TURNER

NOTICE OF PUBLIC HEARING TOWN OF ELLINGTON

Monday, January 5, 2009

The Town of Ellington will hold a public hearing on Monday, January 5, 2009, at 7:30 p.m., prevailing time, at the Town Hall Meeting Hall, 55 Main Street, Ellington, Connecticut, for the purpose of allowing citizens to comment upon the following proposed new ordinance:

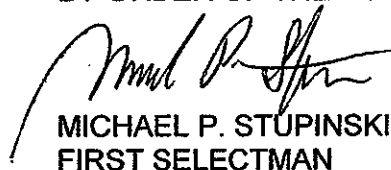
An Ordinance Regarding Maintenance of Storm Water Drainage Detention Basins and Similar Structures

All interested parties are encouraged to attend.

The proposed new ordinance is available for review in the Town Clerk's Office, First Selectman's Office and on our website at www.ellington-ct.gov.

DATED at Ellington, Connecticut, this 22nd day of December, 2008.

BY ORDER OF THE BOARD OF SELECTMEN



MICHAEL P. STUPINSKI
FIRST SELECTMAN

Journal Inquirer – 12/29/08

TAX COLLECTOR'S REFUNDS/ABATEMENTS JANUARY, 2009				V-A
DOLLAR AMOUNT	PERSON/CORPORATION REFUNDS	MV/PERS. PROP REAL ESTATE	TAX/ASSESSOR REQUESTING DEPT.	REASON FOR
\$44.75	BOURBEAU DIANE G OR RICHARD K	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SOLD
\$555.86	CAMRAC INC	MOTOR VEHICLE	06 ASSESSOR	VEHICLE SOLD
\$654.69	CAMRAC INC	MOTOR VEHICLE	06 ASSESSOR	VEHICLE SOLD
\$521.97	DIRECTV INC	PERSONAL PROP	03-07 ASSESSOR	DELETED-PD EARNINGS TAX
\$15.90	DONOVAN DIANE T	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SOLD
\$30.89	FLOR GARY R	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SOLD
\$44.39	HARRISON DANIEL J OR CHERYL D	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SOLD
\$23.96	SIMHADRI SURESH	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SALVAGED
\$26.52	WALLACE WILLIAM J	MOTOR VEHICLE	07 ASSESSOR	VEHICLE SOLD
\$1,918.93	JANUARY REFUND TOTAL			
	ABATEMENTS			
\$0.00	JANUARY ABATEMENT TOTAL			
\$1,918.93	JANUARY 2009 REFUND AND ABATEMENT TOTAL			
REFJAN09				